

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 21, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Drawings Objection

The drawings have been objected to under 37 C.F.R. § 1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the drawings are objected to for not identifying reference numeral 520 of Figure 5.

In response to this objection, Applicant has amended the specification to include a reference to reference numeral 520. In view of that amendment, Applicant respectfully submits that the drawings are acceptable and respectfully requests that the objection be withdrawn.

II. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 28-30 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In particular, the Examiner notes that the term “the number of very long instruction words” lacks antecedent basis. In response, Applicant has amended claim 28 to provide the missing antecedent basis.

In view of the above, it is respectfully asserted that the claims define the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejections to these claims be withdrawn.

III. Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Dimpsey, et al.* (“Dimpsey,” U.S. Pub. No. 2004/0163077). Applicant respectfully traverses this rejection.

As indicated above, remaining independent claims 1, 12, and 17 have been amended through this Response. In view of those amendments, Applicant submits that the rejection is moot as having been drawn against Applicant’s claims in a previous form. Accordingly, Applicant requests that the rejections be withdrawn.

Turning to the merits of the claims, as amended, Applicant notes that Dimpsey does not teach a system or method in which application instructions are intercepted and it is determined if associated code is already stored in a code cache. Furthermore, Dimpsey does not teach, if associated code has been stored in the code cache, executing the associated code from the code cache in lieu of the intercepted application instruction. Moreover, Dimpsey does not teach storing instrumented application instructions in the code cache such that they will be executed in lieu of the intercepted application instructions when the application instructions are intercepted again.

III. Claim Rejections - 35 U.S.C. § 103(a)

Claims 28-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dimpsey* in view of *Matsuo* (U.S. Pat. No. 6,178,492). Applicant respectfully traverses this rejection.

As indicated above, independent claim 28 has been amended through this Response. In view of those amendments, Applicant submits that the rejection is moot as having been drawn

against Applicant's claims in a previous form. Accordingly, Applicant requests that the rejections be withdrawn.

Turning to the merits of claim 28, as amended, Applicant notes that Dimpsey does not teach or suggest a method in which application code fragments are intercepted and it is determined if associated code is already stored in a code cache. Furthermore, Dimpsey does not teach or suggest, if associated code has been stored in the code cache, executing the associated code from the code cache in lieu of the intercepted application code fragments. Moreover, Dimpsey does not teach or suggest storing instrumented application code fragments in the code cache such that they will be executed in lieu of the intercepted application code fragments when the application code fragments are intercepted again. Given that Matsuo does not remedy the deficiencies of the Dimpsey reference, Applicant submits that claim 28 and its dependents are allowable over Dimpsey and Matsuo.

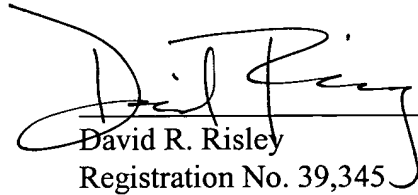
IV. Canceled Claims

Claims 22-27 have been canceled from the application without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


David R. Risley
Registration No. 39,345

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

9-21-06
Mary Meeger
Signature